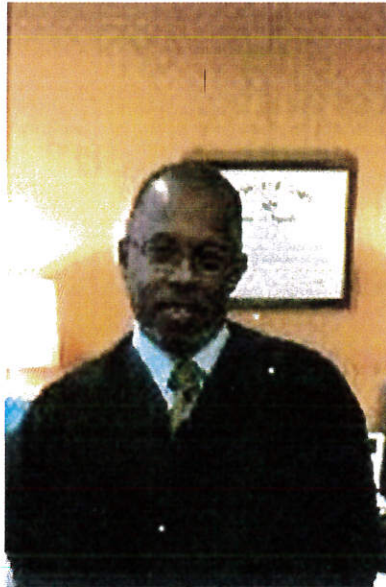


**STATEMENT OF INTEREST OF  
THE HONORABLE MILTON C. LEE, JR.  
IN SUPPORT OF CANDIDACY FOR  
CHIEF JUDGE  
OF THE SUPERIOR COURT OF THE DISTRICT OF COLUMBIA**



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## **I. INTRODUCTION**

The COVID-19 pandemic has placed the Court in a unique position that no modern-day institution has faced. The pandemic has and will continue to force the Court, as well as every segment of the city, to change its approach to every facet of daily life. The Court must continue to develop strategies that will support a significant change in the approach to how justice will be delivered throughout the entire justice system. The new Chief Judge must possess a steady hand in leading the Court through uncharted waters so that we can continue to maintain the highest standards of justice while protecting the health and safety of its staff, justice partners and every individual visitor to our judicial campus. This is a new horizon for the District of Columbia, and the Superior Court must be a leader in how we reshape the justice landscape.

One of the main duties of the Chief Judge is to lead and promote the effective administration of the entire court by engaging all members of the justice community in a manner that communicates a clear strategic vision. The Chief Judge must continue to develop excellent working relationships with Congress, the Executive Office of the Mayor, the City Council, Court stakeholders and the Bar as well as the citizens of every section of the District of Columbia.

If designated to serve as Chief Judge of the Superior Court of the District of Columbia, I will provide that steady, guiding hand of leadership that will move the Court forward during this incredibly challenging time. Every segment of the Court family must understand that I will stand with them as we face this challenge together so that we continue to deliver the very best public service possible. The leadership of our current Chief Judge has put the Court in a very good place, and I will continue to promote an atmosphere of mutual respect between colleagues and Court staff in an effort to develop one Court that continues each day to earn and maintain the public's trust by providing justice fairly and efficiently. Our core values are captured by the Court's motto: Open to All, Trusted By All, and Justice For All. We must continue to live those values every day.

In my almost 23 years in the Superior Court, and a lifetime in my beloved city, I have developed excellent relationships with every segment of

the court family, the many justice stakeholders and community that will allow me to guide the Court through this new frontier as the Court continues to blaze new pathways toward administering justice of the highest quality. I believe that my life experiences, judicial service and other experience have prepared me to accept the mantle of leadership for the Superior Court.

In the following pages, I set forth a description of my personal and professional background, judicial experience and intellectual acumen and temperament. I will also address my administrative and management experience both inside and outside of the Court in a manner that highlights my ability to lead the Court. Next, I will address my ability to promote a sense of cooperation among my colleagues, court staff, private and public entities, and the ability to promote confidence in the entire judicial system. Finally, I will conclude with my vision for the Court's future.

## **II. PERSONAL AND PROFESSIONAL BACKGROUND**

The District of Columbia is my home. I was born and raised in the city, and I am the product of its public and private school educational system. Most of my early education was in the public schools. My father dedicated over 30 years of his life to teaching in the public school system before concluding his academic career as a member the Department of History at Howard University. My mother spent her professional career in various capacities in the public school system, Howard University's Drama Department and in the Mayor Barry's Office on Constituent Services. My parents sacrificed so much so that I could attend St. John's College High School. I was fortunate to attend St. John's where I participated in the JROTC and interscholastic sports. My dad passed away when I was fourteen years old and a freshman in high school. I watched my mother and siblings struggle to make sure that I could continue my education at St. John's College. I will be forever grateful for their efforts because they instilled in me a sense of sacrifice and an even greater sense of the importance of service to the very community that raised me.

After graduating from St. John's in 1978, I attended college in Tampa, Florida. My undergraduate career was completed at The American University where I received a degree in Law and Society. I was awarded my



Juris Doctor degree in 1985 from Catholic University's Columbus School of Law (my father's undergraduate alma mater).

I have, in a very literal sense, grown up connected to the Superior Court. During my third-year of law school, I represented indigent persons charged with misdemeanor offenses in the Superior Court as a student attorney in the Law Students In Court Program. Following graduation from law school, I was incredibly fortunate to join the greatest criminal law firm in the country, the Public Defender Service of the District of Columbia (PDS). My introduction to PDS came during my undergraduate years when I served as an investigative intern to lawyers in the trial division. There I met an incredible group of lawyers and staff who were all dedicated to making the criminal justice system responsive to a segment of the community that was too often overlooked. I returned to PDS as a law clerk following my second-year of law school. When I returned to law school for the final year and worked as a student attorney, I knew that I wanted to be not just a criminal defense lawyer, but I wanted to be a member of the Public Defender Service in my hometown.

While at PDS, I represented indigent individuals in the juvenile delinquency system, the misdemeanor and felony sections of the Trial Division and argued several cases before the District of Columbia Court of Appeals while in the Appellate Division. PDS is a critically important component of the criminal justice system and continues to work to ensure that justice is dispensed evenly and fairly.

I took a one-year leave from PDS in 1990 when I joined the faculty of the Georgetown University Law Center where I taught in the Criminal Justice Clinic and the E. Barrett Prettyman Clinical Fellowship Program. There I worked with the clinical staff in educating, training and supervising third-year law students as they represented clients in the Superior Court under the student practice rule. I also continued to try a few cases while I supervised the graduate students in the fellowship program.

Following my time as a visiting professor of law at Georgetown, I returned to PDS as its Deputy Trial Chief. In that position, I was responsible for supporting and supervising the roughly 40 attorneys assigned to the trial

division to represent individuals in the most serious and complex cases in the Superior Court. I tried somewhere around 70 cases before departing PDS to return to a career in legal education. I thoroughly enjoyed my time at PDS. The PDS experience helped me to develop a greater sense of the value and power of a few dedicated people who found a common bond that energized them in the pursuit of justice.

In 1993, I joined the faculty at the District of Columbia School of Law (now the University of the District of Columbia School David A. Clarke School of Law). My initial role at the law school was to teach and supervise students in the Juvenile Law and Special Education Clinic. During my time at the law school, I was fortunate to be able to transition from clinical education to the classroom where I taught such courses as Criminal Procedure, Criminal Law, Evidence, Advanced Criminal Law, Trial Advocacy and Willis and Estates.

In the juvenile clinic, students represented young people in the Family Division of the Superior Court. The Clinic also represented parents under the Individuals with Disabilities Education Act. After years of juvenile delinquency representation, the members of the clinic developed the view that many of the children in the delinquency system were actually children with unmet education needs that contributed to their court related behavior and that could be addressed in the education services. Our goal was to change the way that juvenile justice was administered for young people charged with committing criminal and status offenses. To that end, we worked to ensure that the much needed services available through the educational system were delivered to parents and their children. When educational services were appropriately provided to children in the delinquency system, the clinic staff then worked to extract those children from the delinquency system because many of the services available through the delinquency system were already in place. This change in focus was a hard-fought battle and our efforts in the clinic stimulated other justice stakeholders to adopt this approach to juvenile delinquency representation. The PDS Juvenile Services Program soon expanded its program to include lawyers trained in educational advocacy for delinquency and non-delinquency youth. A few years later the District of Columbia Superior Court Family Court created a panel of special education advocates through the Criminal Justice Act to work with lawyers in the delinquency and neglect

systems as they addressed the educational needs of our city's youth. Many of the PDS and Court's Special Education Panel were students trained in the law school's clinic.

I was appointed by Chief Judge Eugene N. Hamilton to the position of Hearing Commissioner in the District of Columbia Superior Court in 1997. My first assignment as a Hearing Commissioner was the uncontested divorce and child support calendar. In 2002, following the passage of the Family Court Act,<sup>1</sup> I became a Magistrate Judge where I served in that capacity until 2010 when President Barack Obama appointed me to a fifteen-year term as an Associate Judge in the Superior Court. My first permanent assignment as an Associate Judge returned me to the Family Court where I presided over a juvenile delinquency calendar for three years.

### **III. JUDICIAL EXPERIENCE AND INTELLECTUAL LEADERSHIP**

Since my appointment to the Court in 1997, I have served as Hearing Commissioner, Magistrate Judge and Associate Judge in each of the Court's Divisions and Family Court except the Probate Division. I am currently assigned to the civil side of the Domestic Violence Division. Prior to my current assignment, I spent five years in the Criminal Division. From 2015 to 2019, I held the position of Deputy Presiding Judge and later the Presiding Judge of the Division. I have also had the honor of serving as the Presiding Magistrate judge under both Chief Judge Rufus King and Chief Judge Lee Satterfield. By serving in each of these Divisions as well as in the Family Court, I have presided over almost every type of case litigated in the Superior Court. This experience has provided me with a very clear understanding of what it takes to make this Court operate efficiently. I have enjoyed the opportunity to gain a greater understanding of the need to work collaboratively with stakeholders and partners in an effort to dispense justice fairly to all who visit our judicial campus. Just as importantly, my experience across the Court has allowed me to appreciate the value and dedication of our Court managers and staff. These experiences have led to the development of great relationships across the Court. Our Court is truly one family, and it will always be my goal to ensure that each member of the family can expect from me the highest levels of leadership.

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<sup>1</sup> See D.C. Code § 11-1101 (2001)

As previously indicated, before my assignment to the Domestic Violence Division in 2020, I spent five years in the Criminal Division. In 2014, I returned to the Criminal Division and a Felony II calendar after serving for three years in the Family Court. The Felony II calendar is a challenging assignment given the volume and mixture of jury demandable drug cases, assaults and other violent crime. While, overall crime has been decreasing over the few several years, the Criminal Division experienced an increase in responsibilities assigned to each Felony II calendar. While I was the Presiding Judge the Division took on the responsibility of processing all arrest and search warrants in 2019. When the City Council passed the Incarceration Reduction Amendment Act Of 2016<sup>2</sup> (IRAA) the entire Court took on the task of determining whether to resentence offenders who were not yet 18 at the time of the offense and who had served at least 20 years in prison. The initial set of IRAA cases were distributed across the entire Court. After some experience resolving these incredibly complicated cases, Chief Judge Morin asked the Criminal Division to develop a strategy that would allow almost all IRAA cases to be returned to the Criminal Division. In January 2017, the Criminal Division absorbed over 200 IRAA cases and Criminal Division leadership went about the task of fairly distributing cases across all felony calendars. Resolution of IRAA cases has become a complex process given the seriousness of the offenses and the more than 20 years of institutional records that must be reviewed before a decision could be rendered.

Following my year on the Felony II calendar, I was appointed to the position of Deputy Presiding Judge of the Criminal Division by Chief Judge Satterfield. During this same period, I transitioned from the Felony II assignment to a Felony I calendar. The Felony I assignment is a calendar where the most serious and complex cases are assigned. On that calendar, I presided over cases where individuals were charged with such offenses as murder, sexual assault and very serious armed assaults. My previous experience both inside and outside of the Court was of great service as I resolved countless discovery motions, DNA related issues and complex sentencing matters while regularly presiding over lengthy jury trials.

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<sup>2</sup> See D.C. Code § 24-403.03.

In addition to the trial work on the Felony I calendar, as Deputy Presiding Judge, I had many, many administrative duties that were necessary part of leadership as the Division developed strategies to address concerns that had the ability to impact the continued efficient operation of the Division. Along with the steady leadership of the Presiding Judge, we participated in countless meetings with judges, Court managers and staff as well as many outside criminal justice partners. In addition, the presiding and deputy presiding judge were responsible for putting together substantive training sessions for the Division's almost weekly lunch meetings. It was during that this time that I assumed the role of chair of the C-10 Subcommittee Workgroup. Each day, Courtroom C-10 conducts arraignments and presentments for the approximately 80 - 110 individuals charged with violations of the criminal code. The C-10 experience is an incredibly complicated collaboration of multiple criminal justice partners including the Pretrial Service Agency, United States Marshal Service, United States Attorney's Office, Court Services and Offender Supervision Agency, PDS and Criminal Justice Act attorneys.<sup>3</sup> It was imperative that great working relationships were developed with each partner if C-10 was to operate at its peak in processing cases each day. Much of the complex decision-making involving operational disputes were resolved at bi-weekly meetings. Those meetings provided a forum for the open discussion of any issue that might affect operations. Because the Court was engaged in a massive construction project, C-10 operation needed to be completed each day no later than 6:00 p.m. I am incredibly thankful and appreciative for the collective efforts of Court staff and our partners, because I am proud to say that we rarely missed the mark during my time overseeing operations. The success of our collaborative work in C-10 has been so substantial that we often hosted representatives from other jurisdictions and countries as they sought to adopt many of our policies and procedures in their arraignment courts.

As indicated previously, my experience in the Court has included service in almost every Division.<sup>4</sup> I have served in multiple assignments in the Family Court including juvenile delinquency and initial hearings in the New Referrals Court, child support and domestic relations as well as a stint as the chair of the Mental Health Commission. While in the Civil Division, I

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<sup>3</sup> See appendix 1 to review the operational manual.

<sup>4</sup> See appendix 2 for a complete listing of judicial assignments.



presided over the Small Claims Branch and debt collection and subrogation calendar. Both civil assignments involved high volume calendars with many unrepresented litigants appearing before the Court. In the Criminal Division, I have presided over each of the misdemeanor traffic calendars and all felony assignments. Each of these assignments has provided great experiences where I learned a great deal and attempted to provide the high level of justice that is expected from judicial officers of our Court. I was fortunate to confront some very challenging issues and to work closely with the many talented members of our Court staff.

The Chief Judge of the Court must lead by example and must have the ability to provide intellectual leadership as well. Throughout my assignments, I believe that I have demonstrated the intellectual ability necessary to be Chief Judge. In one instance during my Felony I assignment, I had to resolve a complex *Brady* dispute that arose in a codefendant murder case. The Supreme Court decision in *Brady v. Maryland*, 373 U.S. 87 (1963), created a due process obligation for the government to provide the defense with evidence that was exculpatory and material. The District of Columbia Court of Appeals had recently issued a landmark decision in *Vaughn v. United States*, 93 A.3d 1237 (D.C. 2014), where the Court answered many of the questions left unresolved by the original *Brady* decision. While the Court in *Vaughn* provided trial courts with much needed guidance on the definition of exculpatory evidence, the Court left to trial judges the decision as to whether to impose a sanction when a violation was found. After multiple hearings, I concluded that dismissal of a very serious felony was the only appropriate remedy under the circumstances. In this instance, I believe that the imposed remedy appropriately and fairly balanced the interest of justice with the rights of the individual defendants.<sup>5</sup>

In another instance, an issue of possible juror misconduct arose following a jury verdict in a murder trial. After hearing from the parties at post-trial hearings, I issued a decision that left the jury verdict undisturbed. That decision was affirmed by the Court Appeals in 2019.<sup>6</sup>

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<sup>5</sup> See appendix 3.1 for the opinion.

<sup>6</sup> See appendix 3.2 for order and the Court of Appeals decision.

One other notable decision involved the resolution of a complex DNA issue involving the ability of the government expert to test small amounts of DNA obtained from skeletal remains of two individuals. Resolution of the issue required testimony from multiple experts on the ability to extract DNA and whether the extraction process would consume the available DNA thereby impacting the defense ability to conduct independent DNA testing.<sup>7</sup>

My experience across multiple Court Divisions has provided an opportunity to issue opinions and orders that I hope are helpful to my colleagues as well as the relevant sections of the legal community.<sup>8</sup>

Prior to joining the Court in 1997, I was a member of the faculty at the David A. Clarke School of Law.<sup>9</sup> Since joining the Court, I have remained active in the academic community as a member of the adjunct faculty. In 2011, I began teaching Civil Trial Advocacy at Howard University School of Law. An outgrowth of my teaching experience has been the opportunity to join two of my judicial colleagues as we periodically present evidence training sessions to the members of the Superior Court bench.

I have taught as an adjunct professor for over 20 years. I continue to thoroughly enjoy working with students as they work their way through law school and try to determine their career paths. I hope that I have been a positive influence for my students – I know that I have learned much from them over the years (they often complain that my examinations are too difficult - and they are correct). Some of my greatest joys have been watching my students join the District of Columbia Bar, practicing under the Criminal Justice Act and working to establish their own law offices dedicated to special education law. Many other students have worked as law clerks and interns in my chambers, and in 2016, one of my students joined the Court as a magistrate judge. I look forward to continuing to provide quality and exciting legal education at local universities.

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<sup>7</sup> See appendix 3.3 for the order.

<sup>8</sup> A complete list of opinions/orders is found in appendix 3.

<sup>9</sup> Copies of law review articles that I authored while at UDC can be found appendix 4.



#### **IV. ADMINISTRATIVE AND MANAGEMENT EXPERIENCE AND LEADERSHIP**

I have gained significant administrative and management experience throughout my career. While at PDS, I tried many cases in the Superior Court, and when I returned to the agency from the Georgetown Criminal Justice Clinic, I was appointed by the agency director to the position of Deputy Trial Chief. In that position, I was responsible for oversight and supervision of the lawyers assigned to the trial division. My experience as a deputy chief provided an opportunity to gain incredible insight from a management standpoint into the challenges and pressures of managing a large number of trial lawyers and support staff. As Deputy Chief, I maintained an open-door policy for lawyers and staff because I wanted every member of the agency to understand that I was in the fight with them at all times.

I gained additional management experience when I transitioned from PDS to the District of Columbia School of Law. As previously mentioned, while at the law school, I, along with my clinical colleagues, were tasked with overseeing the Juvenile Law Clinic by training and developing many future lawyers. Clinic students often appeared in Superior Court in delinquency cases and in administrative hearings with the District of Columbia Public Schools. The Clinic provided an opportunity to continue working in the Court and to expand that work to District government agencies. Our work in the Clinic led to a fundamental change in the way that delinquency advocacy was conducted in the District of Columbia. Today, judges, lawyers and social service providers now consider the impact of a young person's educational needs when considering delinquency issues. As a result, agencies across the city have extended considerable resources to special education advocacy for court-involved youth.

As previously mentioned, I served many years as a magistrate judge. During that period, I served as Presiding Magistrate Judge for two Chief Judges covering roughly a six-year period. As the Presiding Magistrate Judge, I was responsible for ensuring that the multiple calendars assigned to magistrate judges were covered each day. This often required personally covering multiple calendar assignments as well as coordinating the

movement of judges across Divisions to cover calendar vacancies created by leave, illness and staff shortages. I made every effort to be considerate of the needs of the entire office in managing Court obligations. My goal was to lead by example and to demonstrate to all that I was committed to the fair treatment of all in the office as we jointly worked each day to advance the Court's mission of timely resolution of cases.

In 2010, I was honored to be appointed to the Superior Court as an Associate Judge by President Barak Obama. My first full-time assignment was in the Family Court where I presided over a juvenile delinquency calendar. The experience in Family Court was incredibly rewarding given the complexity of issues facing the city families. While in Family Court, I served on many committees including the Family Court CJA Panel Committee. That committee took on the critically important task of evaluating candidates for the many panels where lawyers were selected to handle cases in the Family Court. Those lawyers represent children and parents in delinquency, neglect, truancy and education cases. This committee was particularly important because it permitted the Court to ensure that the highest quality lawyers were available to represent some of the most vulnerable members of our community. Also of note was my service on the Judicial Education Training Committee and the Family Court Training Subcommittee. Each of these Committees were responsible for court-wide and divisional training on subjects that were critically important for judges, managers and Court stakeholders. While I was co-chair, the Committee presented two very important trainings on Fatherhood and LGBTQ youth. Each of these sessions were very well received by conference attendees.

While in Family Court, I participated in the creation of the Fathering Court Initiative. While I will provide greater detail regarding the Initiative later in this statement, it is important to understand that Fathering Court was an example of the Court providing leadership in a manner that brought together multiple public and private agencies and organizations in a coordinated effort that led to seismic change to the child support system. As I presided over the Fathering Court program, the initiative reconnected countless returning citizen fathers to their children in a manner not previously seen. This collaborative effort continues to make positive changes in the lives of families in our city.

After moving over to the Criminal Division and completing a year in a Felony II assignment, I was appointed to the position of Deputy Presiding Judge of the Criminal Division. During my two years in that position, I worked with the 26 judges assigned to the Division as well as with the managers and staff on the non-judicial side of the Court. In addition, the position afforded an opportunity to develop important relationships with many of our criminal justice partners. Criminal Division leadership constantly engaged in bridge building with agencies and organizations as a means of ensuring that the Division continued to operate smoothly and efficiently. I expanded those relationships during my two years as the Presiding Judge of the Division.

As mentioned earlier, I have been very fortunate to serve on many Court committees during my tenure. One of the more important recent committee assignments has been as chair of the Jury Management Committee. That committee is a mixture of judicial and staff representatives from many sections of the Court. As chair, the committee addressed many issues as we implemented initiatives designed to increase our jury yield and utilization rates. We also monitored the implementation of a revised process by which jurors were summoned for service and made available to each of the Court's Divisions. While I will later detail some of the advancements made in the juror system, I believe to that our work has led to fundamental changes in the jury summons process that improved the jury service experience while significantly lessening the impact of juror costs on the overall operating budget.

In 2016, Chief Judge Morin appointed me to serve on the District of Columbia Sentencing Commission. The mission of the Sentencing Commission is to implement, monitor, and support the District's Voluntary Sentencing Guidelines, to promote fair and consistent sentencing policies, to increase public understanding of sentencing policies and practices, and to evaluate the effectiveness of the guideline system and to recommend changes based on actual sentencing and corrections practice and research. It is through these activities that the Commission seeks to add clarity and openness to the process of sentencing. In 2018, when I became chair of the Commission, we immediately moved to address concerns regarding the impact of "double counting" and mandatory minimum sentences in gun

offenses. The Commission took a data-driven approach to the issue and ultimately re-ranked two offenses to reflect current sentencing trends in the Superior Court. I am very pleased to say that the Commission members and its staff thoroughly work to ensure that guidelines in the District of Columbia are widely accepted by criminal justice stakeholders. Over the last two years, the Commission has experienced its highest judicial compliance rate by reaching an all-time high of 98.1% in 2019. The next priority for the Commission will be the implementation of our community engagement initiative designed to better educate the city's residents on the mission and function of the Commission.<sup>10</sup> That initiative will take the Commission on a tour of each of the City's wards where Commission members and staff will engage residents in town hall styled meetings designed to provide greater transparency into the Commission's activities.

In late 2018, I joined the Substance Abuse Mental Health Services Administration (SAMHSA) as its co-chair. SAMHSA represents a coordinated effort of many public agencies and the Criminal Justice Coordinating Council (CJCC) to develop and implement strategies for the city to respond to the opioid crisis. Many of the SAMHSA work group recommendations are the outgrowth of a public/private partnership that is designed to increase awareness and delivery of treatment resources to city residents.<sup>11</sup>

The foregoing highlights a few of my administrative and management experience and focus on the community.<sup>12</sup> Some of my more recent experience, including service on the Court's Joint Committee on Administration, further demonstrates my leadership experience in Court administration.

## **V. INTEREST IN COURT ADMINISTRATION**

I have enjoyed the opportunity to gain extensive management experience during my time on the Court. These opportunities have provided

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<sup>10</sup> The 2019 Commission's annual report can be found at [SCD.DC.GOV](https://www.scd.dc.gov).

<sup>11</sup> Appendix 5 contains an outline of SAMHSA efforts.

<sup>12</sup> Many of these experiences are the result of partnerships developed with justice partners. As I was completing my term as Presiding Judge of the Criminal Division, I participated in a book club event at the D.C. Jail with the Young Men Emerging Program. Please see appendix 6 for a description of the event.

me with a much deeper understanding of how the court system and the many people that it serves benefit from strong leadership. In seeking the current appointment, I am excited by the opportunity to lead my court family in its efforts to serve the District of Columbia. These are difficult and unusual times that will change the very core of how the Court operates as it carries out its mission. It is critically important that the next Chief Judge provides steady and experienced leadership that will motivate the entire Court to confront and overcome the challenges of the COVID-19 pandemic.

Perhaps the culmination of my administrative experience came in 2018 when the Chief Judge appointed me to serve on the Joint Committee on Court Administration. The Joint Committee consists of both Chief Judges, a member of the District of Columbia Court of Appeals and two members of the Superior Court bench. The role of the Joint Committee is to oversee and manage the Court's budget and to set Court policy. I served on the Joint Committee for two budget cycles when the Court was facing challenges created by as many as eleven judicial vacancies and a multi-million dollar decrease in appropriated funds.

Each of these challenges alone had the ability to substantially impact the Court's ability to perform at expected levels. The members of the Joint Committee worked diligently to protect the core functions of the Court while ensuring that our staff was not unnecessarily impacted by budget limitations. While the judicial vacancies and budget limitations presented substantial challenges, the Court was also forced to work through a six-week governmental shutdown. The Joint Committee had to manage Court operations during a period where many Court employees faithfully came to work each day despite the incredible personal hardships created by the absence of pay. The ability to work through such trying circumstances remains a true testament to the efforts of the Court's Executive and Deputy Executive Officers and the many managers and staff who rallied so that judges could continue to operate calendars and the Court could continue operations without any noticeable decline in services. This was one of the most challenging yet beneficial periods of my leadership experience because I witnessed firsthand the positive impact of collaborative leadership efforts across all sections of the Court.



Throughout my career, I have served on many committees associated with the Court.<sup>13</sup> Committee work is extremely important because it permits judges to work with Division and Branch managers from many sections of the Court and to develop relationships with city and private partners. As I mentioned previously, my work on the C-10 Subcommittee Workgroup is a perfect example of what can be achieved through committee work. Another example of what can be accomplished through committee work is when I chaired the Jury Management Committee. As chair, I worked closely with the Special Operations Division of the Court to oversee jury operations. Over the last few years, the Court has undertaken efforts to make jury service more convenient and less burdensome on the citizens of the District of Columbia. To that end, the Court implemented a “Juror on Call” system that used a predictive model to summon only the number of jurors needed each day to satisfy demand. The system was designed to send alerts to jurors the evening prior if they must report for service the next day. When jurors arrive for service, they are welcomed by our dedicated staff in the Juror Office. The office staff works throughout the morning with judges and Court staff to deliver jurors to courtrooms so that the jury selection process can commence in a timely manner. On most days, the Court has been able to fulfill courtroom demands by 1:00 p.m., so that any remaining jurors may be released. The implementation of this innovative process has led to substantial increases in jury utilization. The Court’s utilization rate increased from 56.92% in 2017 to 68.77% at the close of 2019. The Court also experienced similar increases in the juror yield from 26% in 2017 to 43% in 2019. This joint effort of judges and juror office managers and staff resulted in the call off 8,472 jurors at a saving of approximately \$38,000 since 2018. These types of innovations and savings could not be possible without considerable contributions from the Special Operations Division of the Court. It has been extremely rewarding to work with such a dedicated group of Court employees.

It is this and other experiences that have increased my interest in court administration. My four years in Criminal Division leadership is another example of the ability to oversee an entire Division and to watch the implementation of policies and procedures that increased the Court’s ability

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<sup>13</sup> See appendix 7 for a complete listing of committee assignments over the last 8 years.

to perform its core functions in a manner that promotes confidence in the judicial system.

**VI. ABILITY TO LEAD THE COURT AND TO PROMOTE A SENSE OF COOPERATION AND COLLEGIALLY AMONG JUDGES, THE COURT STAFF, AND OTHER GOVERNMENTAL AND NON-GOVERNMENTAL ENTITIES; AND ABILITY TO PROMOTE CONFIDENCE IN THE COURT AND JUDICIAL SYSTEM**

The Chief Judge of the Court has designated the presiding and deputy presiding judges of each Division as members of the Judicial Leadership Team. I have served on this Team as both a magistrate judge and an associate judge. Serving on the Judicial Leadership Team is an honor and an enormous responsibility. The Team is charged with supporting the Chief Judge in the administration and implementation of the Court's Strategic Plan by identifying issues and implementing strategies to address current and future issues that impact the Court's ability to provide service to those who visit the judicial campus.<sup>14</sup>

While serving as a member of the Judicial Leadership Team, I also served as the Presiding Judge of the Criminal Division in 2018-2019. The Criminal Division is comprised of 26 judges, magistrate judges and senior judges. During this period, the Court had an unusually high number of judicial vacancies that required the Division to work without a full complement of judges to cover calendar assignments. To ease the burden on Division judges, the Chief Judge authorized the use of a group of twelve senior judges to preside over two misdemeanor community court calendars. The impact of multiple judicial vacancies meant that one Felony II trial calendar would not have a permanent judge assigned. The struggle to manage a Division with an uncovered jury trial calendar was magnified by additional judicial retirements that created a vacancy on a community court calendar. To address this additional judicial shortfall, the Chief Judge,

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<sup>14</sup> The Court's 2018 - 2022 Strategic Plan can be found at this link [https://www.dccourts.gov/about/organizational performance](https://www.dccourts.gov/about/organizational_performance).



Deputy Presiding judge and I elected to share the coverage of that community court calendar.

The response to the vacancy on the Felony II calendar involved a more complex set of challenges, because that calendar contained jury demandable trials and complex legal issues that would benefit from continuity in judicial decision-making. The Deputy Presiding Judge and I developed a process by which each of the six Felony I judges would be assigned to cover the vacant Felony II calendar for a one-month period twice a year. I agreed to take the first month of the rotation followed by the Deputy Presiding Judge so that we could work out the kinks of this newly developed rotational coverage schedule. I remained very concerned about the Felony I calendar judges' ability to manage the demands of their assignments along with the additional responsibilities of another jury trial calendar. The first two months was a challenge, but I am proud to say that from almost all accounts from our criminal justice stakeholders, the implementation of a rotational coverage schedule of a jury trial calendar was seamless and resulted in no significant impact on performance measures.

During 2019, while the Joint Committee was working tirelessly through the difficulties created by unexpected budget limitations, the Chief Judge was forced to implement a series of cost saving measures that impacted the Criminal Division. One of those strategies was to move the task of reviewing and issuing arrest and search warrants to the Criminal Division from the Judge-In-Chambers assignment. While the Division was adjusting to the increased demands created by limited judicial resources, the Deputy Presiding Judge and I developed a process to cover warrants each day. Again, we created a rotational system where each of the Division's felony calendar judges would cover warrants for a two-week period twice a year. The Deputy Presiding Judge and I once again took the first month of warrant coverage so that we could work through any unanticipated obstacles created by the new system. That first month quickly led to the conclusion that modifications to the process would be necessary if the Division was going to survive the warrant experience. After consulting with colleagues and Criminal Division staff, we modified the approach to warrants by more evenly distributing the workload across the entire Division. We also engaged in efforts to obtain feedback from our prosecution and police partners so that we could gauge

the impact of the new warrant system. That feedback indicated an overall high level of satisfaction with the process as well as a substantial decrease in wait times for officers.

The Criminal Division managed to usher in many changes to processes that were necessitated by a series of unexpected challenges. The ability to appropriately respond to these circumstances was a struggle. During this period, one of the Division's judicial officers coined the phrase that "the struggle is real" and that phrase was officially adopted as the Division motto in 2018.<sup>15</sup> The Division continued to not just meet but to exceed performance measures from the previous year. For years, the Criminal Division had worked hard to develop a cultural of trial date certainty where no case ready for trial would be continued for lack of a judge. At the close of 2019, the Division celebrated its third year without continuing a single trial for lack of an available judge. These achievements of the Division are a true testament to the unyielding dedication of judicial and non-judicial members of the Court who were committed to achieving success.

In 2018, I was honored when Chief Judge Morin tasked me with addressing a concern that was raised by the Council for Court Excellence regarding the Court's jury plan and the impact on the ability of returning citizens with felony convictions to be called for jury service. The Court's jury plan, approved by the Board of Judges, contained a provision that excluded individuals with felony convictions from jury service for a ten-year period following completion of their sentence and supervision. Application of this provision resulted in many returning citizens being excluded from jury service for as many as 15 years. Throughout 2019 a work group of representatives from the Office of the Attorney General, the Public Defender Service, the United States Attorney's Office and the Mayor's Office of Returning Citizen Affairs met to discuss potential modifications of the jury plan. After several substantive meetings, the work group reached a consensus on a modification of the plan. Special recognition must be given to the members of that work group who together in a manner that allowed me to recommend to the Board of Judges an amendment to the jury plan that would reduce the ten-year prohibition to a one-year prohibition that

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<sup>15</sup> See the photo in appendix 8.

was consistent with the statutory floor created by the City Council.<sup>16</sup> In January 2020, the Board of Judges unanimously approved the amendment which will be implemented following the 30-day layover for congressional review.

One of the most rewarding experiences of my judicial career involved the development and implementation of the Fathering Court Initiative.<sup>17</sup> In 2006, the Court set out to develop a problem-solving approach to child support cases. Following a town hall style meeting with many government and private child support stakeholders, the Fathering Court Initiative was born. Fathering Court is a problem-solving court that created opportunities for men returning from a period of incarceration to meet their financial obligations to their children while becoming law-abiding members of the community. The Initiative facilitated meaningful employment opportunities for participants upon release. The employment piece followed a dual track: placement in the Department of Employment Services Project Employment or placement through a privately operated employment placement service. All participants received case management services through the Healthy Families Thriving Communities neighbor collaborative. The case managers designed individual treatment plans for each participant that linked participants to a wide array of services such as mental health and drug treatment, educational services, financial management courses, job training options and many other social service based resources all designed to assist dads in becoming actively engaged in their children's lives. Recognizing the absence of role models for many of the fathers, the Initiative required program participants to complete the Quenching the Fathering Thirst curriculum over a twelve-week period of Saturday classes. While the resources coordinated by case managers were an integral part of a successful return to the community, the key to the program's success was the ability for multiple government and private entities to work collaboratively to bring families together. The program sponsored family luncheons, circus trips, attendance at Mystic and Nationals games and many other community outings for our families. Each year the Initiative held a public graduation ceremony for participants who completed the one-year program. The

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<sup>16</sup> The approved amendment to the jury plan is found in appendix 9.

<sup>17</sup> A more detailed description of the Fathering Court Initiative is found in appendix 10 along with Highlights from the first five years of the program.

program achieved one additional important goal: the men in Fathering Court simply did not reoffend. In five years of operation, only three men returned to prison, three graduates were granted custody of their kids and two couples wed. In short, the program changed the focus of the child support system from the acquisition of as much money as possible to a program that created meaningful opportunities for men, women and children to work in a system that put their collective needs first. The men's stories resonated with me and it was an amazing experience to watch the program demonstrated that it could effectively obtain child support for custodial parents while creating opportunities for men to be something more than just financial fathers while remaining in the community without reoffending.

The Fathering Court Initiative proved to be an amazing success, but only because of the partnership between the Court, Office of Attorney General's Child Support Services Division and other government and private providers worked as a team that created relationships with program participants that last long after participants completed their one-year journey through the program.

## **VII. FUTURE VISION OF THE COURT**

The core mission of the Court is to resolve cases fairly and timely and to preserve the rule of law and to protect safety as we respond to the ever-changing needs of the community. The COVID-19 pandemic has changed the focus of the future vision of the Court to one that must now address how the Court goes about the business of meeting its mission while protecting the Court staff and everyone who visits the judicial campus. A primary focus of that vision must include the development of a plan to continue to expand remote operations. The Court must also clearly communicate to staff, litigants, stakeholders and every member of the community that safety is the highest priority as the Court system continues to operate in a manner that promotes trust and integrity in the judicial system.

Once it became clear that the pandemic would require that the Court shutter many of its traditional functions, the entire Court family rallied to transition to remotely providing as many services as possible. Each of the Court's Divisions continued to provide access to a limited set of Court

functions by developing policies and procedures that were designed to increase access to core services.

The Domestic Violence Division, for example, almost immediately developed remote capabilities that enabled those in need of protection orders to file petitions electronically. Division management set-up three virtual courtrooms with a rotation of judges to hear those petitions each day. The Clerk's Office continued to respond to litigants concerned regarding the status of their cases. Since the change in operations, the Division has conducted over 390 hearings on requests for protective orders. Recently, the Division began to schedule and remotely hear motions, violation requests and some contested hearings. The Division must continue to be innovative in its approach to increasing the number and types of remote hearings available to litigants. In addition, the Division must further engage stakeholders to improve access to those members of the community challenged in gaining access to the resources necessary to participate in remote court-related activities.

Similarly, the Family Court has developed procedures that have allowed core functions to continue throughout the pandemic. Through the use of remote technology, Family Court judges remained capable of participating in delinquency, neglect and abuse and PINS cases in Courtroom JM-15. The Court Services Supervision Division has continued to perform intake and supervision to maintain public safety. Domestic Relations emergencies continued to be addressed through use of expanded remote technologies.

The Probate Division has undertaken efforts to continue critical functions through increased usage of remote technology. The Probate Clerk's Office moved to remote operations and has continued to accept emergency and provisional guardian petitions, 90-day health care guardian petitions and petitions for general proceedings. The Division is currently exploring ways to provide increased service to its consumers through the use of a virtual clerk's office.

The Civil and Criminal Divisions may have faced some of the most difficult challenges due, in part, to constitutional and statutory requirements



that are directly impacted by the pandemic. Both Divisions have been forced to suspend jury trials and must develop procedures that will allow for the orderly processing of a substantial backlog cases once jurors become available. By using remote technologies, the Civil Division has continued to hear emergency matters such as temporary restraining orders through remote technology.

The Criminal Division has been the only Division that has continued to operate in-person court hearings in Courtroom C-10 where arraignments and presentments are held for individuals appearing on the lock-up list. Criminal simultaneously moved to remote options for defendants on the lock-up list where the government was not making a request for detention. Individuals to be released were not brought into the arraignment courtroom, but were arraigned remotely and released from the Metropolitan Police Department's Central Cellblock. Meanwhile, the Division moved to remote hearings for defendant held at the D.C. Jail and at Saint Elizabeths Hospital. In some instances, judges conducted remote detained preliminary hearings and sentencings where the parties consented.

The Court's ability to almost immediately transition to remote operations was nothing short of phenomenal. The mobilization of staff and resources by the IT and Court Technology Branches is the type of coordinated inter-divisional effort that will be critically important as the Court continues to expand remote operations in each of the Divisions. Because determining a specific timetable for the Court to return to something close to normal operations is not something that can be reliably determined given the uncertain nature of the COVID-19 virus, the Court must exhibit flexibility in the implementation of its strategies.

Gradually working to reopen the Court should include the development of at least a three-phased approach. The first phase should include continued expansion of remote technology so that the Court can continue to process a large cross-section of cases. Ideally, the Court would provide a sufficient number of virtual courtrooms so that each Division could begin operating all calendars on a remote basis. This mobilization of resources must also include the ability to incorporate the remote use of court

reporters, interpreters and many of the related services necessary for courtrooms to function.

Phase two of the process would include the Court vacating the Chief Judge's Administrative Order that tolled statutory and rule based deadlines. This phase would be contingent on the Court's ability to work with the Mayor, city and national health officials as well as many other partners to determine when public buildings can safely begin to reopen their doors. Until that can be determined, the Court must continue to reduce the human footprint in each of its buildings until appropriate safety measures can be fully deployed.

The final phase would continue the use of remote operations for many Court functions. Phase three would, however, include a gradual return of the workforce to the judicial campus. The Court must be committed to providing a safe working environment for its staff. Expanded telework options should be continued as the Court begins the process of rearranging work spaces to incorporate social distancing. In addition, the Court should increase the usage of rotating staff schedules to reduce the number of employees in the building as social distance protocols are maximized. The Court should also facilitate the usage of temporary protective barriers at all public counters and work spaces. Depending on the available information from health partners, the Court should consider requiring staff to wear facial coverings and to require and to provide coverings for members of the public visiting the campus. In addition, the Human Resources Division should develop exceptions to on-site work requirements for members of the Court staff who are identified with vulnerable populations.

Perhaps the greatest challenge associated with reopening the Court will be resuming the use of jurors. The use of jurors is a necessary piece of the Civil and Criminal Divisions, but bringing jurors into the process while the Court increases safety measures and incorporates social distancing creates a special set of challenges not easily overcome.

Recently Chief Judge Morin asked me to convene a work group to develop a process by which the Court can safely return to the use of jurors. The work group has started its work by reviewing the summons process for



petit and grand jurors. The work group will continue its review of the efforts of other jurisdictions as well as guidelines established by the National Center for State Courts and the American Bar Association. Engaging civil and criminal stakeholders will be a critical piece of developing a set of best practice guidelines for juries. As chair of the Jury Committee, the work group will develop a set of best practices for judges to consider when empaneling juries. Any success in summoning jurors will be dependent on the Court's ability to engage citizens before they receive a notice for service. To promote juror engagement, the Court should consider creating brochures to be sent to jurors that highlight the new safety measures designed to create a safe environment. The usage of YouTube videos linked to the Court's website and appearances on local media outlets are all tools that can be used to disseminate the Court's message that juror safety is its highest priority.

This three-phase approach must promote the ideal that safety is the first priority for any modern-day court as it works to resolve cases. Safety must be the core of the Court's strategic plan and every member of the Court family and community must now understand that the Court's values of Open To All, Trusted By All, and Justice For All shall now include a new core value: Safety For All.

## **VIII. CONCLUSION**

For the Superior Court of the District of Columbia to continue to meet its mission in a post-COVID-19 world, the Court will need to continue to reset and extend its relationship with its stakeholders and every segment of the community. To accomplish this goal, the Court must continue efforts directed toward removing barriers that limit access to justice by use of remote technologies. This must include efforts to protect the Court's budget so that sufficient funding will be available as the Court undertake efforts to incorporate increased health and safety measures in this reshaped model of resolving cases fairly and efficiently.

The Court has faced challenges before, and has always developed innovative solutions that promote trust and confidence in the judiciary. The response to the pandemic will present the Court with another opportunity

to demonstrate the strength and commitment of its 1,189 employees as we move forward together in this new justice landscape.

If provided the opportunity to become Chief Judge, I will continue the great work of the Court. To confront these new challenges, I will draw on my judicial and administrative experience to work closely with the bar, agency leaders and the community to collaboratively resolve issues consistent with the Court's mission. Throughout my career, I have worked within systems, worked to change systems, and, in some instances, created systems designed to dispense justice in a fair, efficient and equitable manner. Every section of the District of Columbia community is important, and our justice efforts must be inclusive of all. The Superior Court is already a great place to work. If appointed Chief Judge, I will continue the Court's tradition by working each day to ensure that every member of the Court family lives our values. We are Superior Court Strong, and the Court will always be a place that represents the very best of the District of Columbia.